

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

JIMMY L. CRAIG, SR.,

:

Case No. 2:21-cv-3789

Petitioner,

District Judge James L. Graham

- vs -

Magistrate Judge Michael R. Merz

FRANKLIN COUNTY

PROSECUTOR'S OFFICE, et al.,

Respondents.

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 10), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the case be dismissed without prejudice to its refiling after Petitioner has exhausted his available state court remedies. Petitioner is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

DATE: September 28, 2021

s/ James L. Graham

JAMES L. GRAHAM

United States District Judge